

LAW OFFICES
KEKER & VAN NEST
LLP

710 Sansome Street
San Francisco, CA 94111-1704
Telephone (415) 391-5400
Fax (415) 397-7188
www.kvn.com

DAVID J. SILBERT
DSILBERT@KVN.COM

August 27, 2009

VIA FIRST CLASS MAIL

West Publishing Company
610 Opperman Drive
PO Box 64526
St. Paul, MN 55164-0526
Attn: Kathy Blesener, Senior Editor

Re: Ninth Circuit en banc opinion in *United States v. Comprehensive Drug Testing, Inc.*, filed
August 26, 2009

Dear Ms. Blesener:

Please correct the counsel listing in the above-referenced decision, beginning at page 11866 of the slip opinion, to read as follows:

Argued by Joseph Douglas Wilson, Assistant United States Attorney, San Francisco, California, who was joined on the briefs by Andrew Duncan, Las Vegas, Nevada; Erika R. Frick, San Francisco, California; Jeffrey David Nedrow, San Jose, California, and Barbara Valliere, San Francisco, California, Assistant United States Attorneys, for the United States. [No change from existing first paragraph.]

Argued by Elliot R. Peters, Keker & Van Nest LLP, San Francisco, California, who was joined on the briefs by David J. Silbert, Keker & Van Nest LLP, San Francisco, California, and Ethan Atticus Balogh, Coleman & Balogh LLP, San Francisco, California, for the Major League Baseball Players Association.

David P. Bancroft, Sideman & Bancroft LLP, San Francisco, California, and Jeffrey C. Hallam, Sideman & Bancroft LLP, San Francisco, California, for Comprehensive Drug Testing, Inc.

Peter Buscemi, Morgan, Lewis & Bockius LLP, Washington, DC, for amicus curiae Chamber of Commerce of the United States.

Kathy Blesener
West Publishing Company
August 27, 2009
Page 2

[No change from existing last paragraph.]

Also, for the sake of accuracy, we respectfully suggest changing one word in the body of the opinion, which won't affect the opinion's substance. At page 11882, the slip opinion refers to the Major League Baseball Players Association's "clients." "Members" would be a more accurate word.

If you have any questions, please don't hesitate to contact me at (415) 676-2261.

Thank you.

Very truly yours,



DAVID J. SILBERT

DJS:aap

cc: Opinions Clerk, U. S. Court of Appeals
AUSA Barbara Valliere
AUSA Jeffrey Nedrow
David Bancroft, Esq.
Jeffrey Hallam, Esq.
Ethan Balogh, Esq.